

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

DAVID RENATO NUNEZ-PEREZ

vs.

**CASE NO.: 3:19-CV-01555 (WYG)
[RELATED CRIMINAL CASE: 3:01-CR-00519-02 (JAG)]**

**ERIK ROLAN SUAREZ,
HECTOR HERNANDEZ-MORALES, AND
COMMONWEALTH OF PUERTO RICO**

**MOTION NOTIFYING VIOLATIONS TO RELEASE
CONDITIONS AND REQUESTING AN ARREST WARRANT**

**TO THE HONORABLE WILLIAM G. YOUNG
SENIOR UNITED STATES DISTRICT JUDGE
FOR THE DISTRICT OF MASSACHUSETTS, SITTING BY DESIGNATION**

COMES NOW, Ricardo A. Carrillo-Lopez, United States Probation Officer of this Honorable Court, presenting an official report as to the conduct of Mr. David Renato Nunez-Perez. On October 18, 2002, the above-named defendant was sentenced to one-hundred and twenty (120) months of imprisonment, followed by a five (5) year term of supervised release for violating United States Code 18 §§ 2 and 2119(3); to wit: Aid and abet in motor vehicle theft, carjacking. After requesting an appeal of his instant offense case and while the same is being reviewed by the Honorable Court, Mr. Nunez-Perez was released pending appeal on July 18, 2023.

Since that time, Mr. Nunez-Perez has violated the following conditions of his release:

MANDATORY CONDITION: THE DEFENDANT SHALL NOT ILLEGALLY POSSESS A CONTROLLED SUBSTANCE.

MANDATORY CONDITION: THE DEFENDANT SHALL REFRAIN FROM ANY UNALAWFUL USE OF A CONTROLLED SUBSTANCE. THE DEFENDANT SHALL SUBMIT TO ONE DRUG TEST WITHIN 15 DAYS OF RELEASE FROM IMPRISONMENT AND AT LEAST TWO PERIODIC DRUG TESTS THEREAFTER.

STANDARD CONDITION: THE DEFENDANT SHALL REFRAIN FROM EXCESSIVE USE OF ALCOHOL AND SHALL NOT PURCHASE, POSSESS, USE, DISTRIBUTE, OR ADMINISTER ANY CONTROLLED SUBSTANCE OR ANY PARAPHERNALIA RELATED TO ANY CONTROLLED SUBSTANCES, EXCEPT AS PRESCRIBED BY A PHYSICIAN.

ADDITIONAL SUPERVISED RELEASE TERM: IF ANY DRUG TEST SAMPLES DETECT SUBSTANCE ABUSE, THE DEFENDANT SHALL PARTICIPATE IN A SUBSTANCE ABUSE TREATMENT PROGRAM ARRANGED AND APPROVED BY THE PROBATION OFFICER UNTIL DULY DISCHARGED BY AUTHORIZED PROGRAM PERSONNEL WITH THE APPROVAL OF THE US PROBATION OFFICER.

On May 7, 2024, after being discharge from his voluntary detoxification program, Mr. Nunez-Perez tested positive to Cocaine and Fentanyl. Mr. Nunez-Perez denied having consumed said substances and, in response, the Probation Officer sent said sample for confirmation by Alere Toxicology Services, Inc. The same was confirmed positive to Cocaine, but a confirmation for Fentanyl could not be performed due to a lack of urine quantity for proper testing.

On May 15, 2024, Mr. Nunez-Perez once again tested positive to Cocaine and Fentanyl and again denied the results when questioned by the Probation Officer. The same were sent for confirmation by Alere Toxicology Services, Inc. and were confirmed positive for both Fentanyl and Cocaine.

On May 21, 2024, Mr. Nunez-Perez again tested positive for Cocaine and Fentanyl and, after questioning by PO, admitted to having consumed the same during a three-way meeting between Mr. Nunez-Perez, his substance abuse treatment therapist and the Probation Officer. Mr. Nunez-Perez then proceeded to sign the required admission document.

On June 5, 2024, Mr. Nunez-Perez yet again tested positive to Cocaine and Fentanyl and proceeded to deny the same when questioned by the Probation Officer. In response, the urine sample was sent for confirmation at Alere Toxicology Services, Inc. and was confirmed positive to Cocaine and Fentanyl.

On June 13, 2024, Mr. Nunez-Perez again tested positive to Cocaine and Fentanyl and again proceeded to deny said results when questioned by the Probation Officer. The same were then duly sent for confirmation at Alere Toxicology Services, Inc. and were again confirmed positive for Cocaine and Fentanyl.

On June 26, 2024, Mr. Nunez-Perez tested positive to Cocaine, Fentanyl and Opiates. When questioned by the Probation Officer, Mr. Nunez-Perez denied the results of said test. In response, the same was sent for confirmation at Alere Toxicology Services, Inc. and the confirmation are still pending. Nevertheless, the Honorable Court will be duly informed of the results in a supplemental motion once said results are received by the Probation Office.

In response to Mr. Nunez-Perez's apparent substance abuse issue, he has been afforded all the assistance the Probation Office has to offer. Mr. Nunez-Perez has received outpatient substance abuse treatment at APS Clinics on a private basis, submitted to inpatient substance abuse treatment at Hogar Santisima Trinidad facilitated by the Probation Office, was placed in the Random Drug Testing Program Call System in order to hopefully deter him from continuing to use controlled substances in an illicit manner, was allowed to submit to a detoxification program at Hospital San Juan Capestrano on a private basis and was then referred to intensive outpatient substance abuse treatment at Clinica Medica Psicoterapeutica del Noroeste, facilitated by the Probation Office, where he has remained until this date. Nevertheless, it is apparent that Mr. Nunez-Perez's illicit use of controlled substances unfortunately continues and has a resulted in six (6) positive tests in less than twelve (12) months, which entails an automatic revocation of his supervised release.

WHEREFORE, it is respectfully requested, unless ruled otherwise, that the Honorable Court take notice of the contents of this motion, issue an arrest warrant and schedule a hearing for Mr. David Renato Nunez-Perez to show cause as to why his release term should not be revoked at this time.

In San Juan, Puerto Rico, this July 2, 2024.

Respectfully submitted,

LUIS O. ENCARNACION, CHIEF
U.S. PROBATION OFFICER

s/Ricardo A. Carrillo-Lopez
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that today, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the parties in this case.

In San Juan, Puerto Rico, this July 2, 2024.

s/Ricardo A. Carrillo-Lopez
Ricardo A. Carrillo-Lopez
U.S. Probation Officer